

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
GENEVIEVE ZIETEK,

Plaintiff,

-against-

PINNACLE NURSING & REHAB CENTER,

Defendant.

ANALISA TORRES, District Judge:

On August 8, 2022, Plaintiff requested a change of venue from the federal court in Manhattan to the federal court in White Plains. ECF No. 57. On September 12, 2022, the Honorable James L. Cott denied Plaintiff's request. Order, ECF No. 61. On September 19, 2022, Plaintiff appealed Judge Cott's decision. ECF No. 62. On September 22, 2022, Plaintiff filed an additional letter supporting her appeal. ECF No. 63. For the reasons stated below, Plaintiff's appeal is DENIED, and Judge Cott's order is AFFIRMED.

Decisions concerning motions for change of venue are non-dispositive and, therefore, subject to the clearly erroneous standard of review. *See Pictometry Int'l Corp. v. Geospan Corp.*, No. 09 Civ. 6517, 2011 WL 13213624, at *1 (W.D.N.Y. May 12, 2011) (citations omitted); *see also* 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a). Rule 18(a)(3) of the Southern District of New York Rules for the Division of Business Among District Judges dictates that civil cases are assigned to the White Plains courthouse when: (1) the claim giving rise to the lawsuit arose in whole or major part in the counties of Dutchess, Orange, Putnam, Rockland, Sullivan, or Westchester (the "Northern Counties"), and (i) at least one party resides in the Northern Counties, or (ii) no party resides in the Southern District; or (2) the claim arose outside the Southern District, and (i) at least some parties reside in the Northern Counties, or (ii) at least half of the parties reside in the Northern Counties.

Judge Cott reasoned that a change of venue was inappropriate because both Plaintiff and Defendant are located in the Bronx, which is within the venue of the Manhattan courthouse of the Southern District. *See* Order at 1. The events giving rise to the lawsuit also occurred in the Bronx. *See* Compl., ECF No. 1. Therefore, the conditions for assignment to the White Plains courthouse are not met, and Judge Cott's ruling is not clearly erroneous.

Plaintiff's appeal is DENIED, and Judge Cott's order is AFFIRMED. The Clerk of Court is directed to terminate the appeal at ECF No. 62.

SO ORDERED.

Dated: October 11, 2022
New York, New York

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21 Civ. 5488 (AT)

ORDER



ANALISA TORRES
United States District Judge